

In the
United States Court of Appeals
For the Eleventh Circuit

No. 20-10545

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TIMOTHY JERMAINE PATE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Georgia
D.C. Docket No. 1:18-cr-00045-RSB-BWC-1

Before WILLIAM PRYOR, Chief Judge, WILSON, JORDAN, ROSENBAUM, JILL PRYOR, NEWSOM, BRANCH, GRANT, LUCK, LAGOA, and BRASHER, Circuit Judges.

BY THE COURT:

A petition for rehearing having been filed and a member of this Court in active service having requested a poll on whether this appeal should be reheard by the Court sitting en banc, and a majority of the judges in active service on this Court having voted in favor of granting rehearing en banc, IT IS ORDERED that this appeal will be reheard en banc. The panel's opinion is VACATED.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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January 11, 2023

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 20-10545-AA
Case Style: USA v. Timothy Pate
District Court Docket No: 1:18-cr-00045-RSB-BWC-1

The enclosed order has been entered on petition(s) for rehearing.

See Rule 41, Federal Rules of Appellate Procedure, and Eleventh Circuit Rule 41-1 for information regarding issuance and stay of mandate.

Under the Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and the page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should this case be designated for oral argument.

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REHG-1 Ltr Order Petition Rehearing